

COMPLAINT

(for filers who are prisoners without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

Anthony K. IT

v.

Case Number:

(Full name of defendant(s))

Captain Dukert
officer Dinzelli

(to be supplied by Clerk of Court)

Jury Trial
Demanded

County of Milwaukee

officer J. Smolinski DEFENDANTS Doe

A. PARTIES

1. Plaintiff is a citizen of Wisconsin and is located at
(State) (2925 Columbia Drive)
Columbia Corr. Inst. PO Box 900 Portage, WI 53901
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Captain Dukert
(Name)

is (if a person or private corporation) a citizen of

WISCONSIN

(State, if known)

and (if a person) resides at

(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for

Milwaukee County Sheriff's Office/Jail
949 N. 9th St. Milwaukee, WI 53233

(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On June 27, 2014 I was taken into custody of Milwaukee County Sheriff's office and placed in Milwaukee County Jail. Captain Dukert, who is in charge of inmates' classification status placed me under maximum-custody status in the disciplinary segregation unit "4D" on the first day I was in custody. No officers explained why I was being placed in Max-custody status. I had no ^{prior} history or cases involving assaults on any Wisconsin officer neither in the community or within any jails in the state.

A. Parties (cont.)

2. Defendants

Officer Donzelli

citizen of Wisconsin

Worked for Milwaukee County Jail at
949 N. 9th Street, Milwaukee, WI 53233

3. County of Milwaukee

Municipality in Wisconsin.

Complaint-2A

of Wisconsin. Nor did I have any record of escape from police custody. There was no kind of preliminary classification hearing or interview at which I was present, even though there was a liberty interest at stake. And I did not ask to be in segregation. But I was kept housed in segregation for months prior to the rise of any incident that would have been reason to place me on administrative segregation or max-custody. I stayed in the most restrictive parts of the jail for over 300 days until I was transferred out of the jail. ^⑤ Court ~~is~~: The totality of the conditions in the jail were unconstitutional in violation of the eighth amendment. ^① The sanitation conditions in the cells, especially on 4D, were fairly, if not exceptionally, harsh. 4D Cell flats were ~~thoroughly~~ visibly dirty and stained and were not mopped out before I was placed in a cell after another inmate left the cell. Mattresses I slept on had holes & rips in the outer layer, exposing the inner cushioning material, and making them very unsanitary. The mattresses were also not being disinfected when ~~into~~ ^{thus} used after

⑤ Captain Dubert's decision to place me on admin. seg. violated my due process rights. Jail conditions violated Wis Statute 302.37-302.41.

~~Complaint~~ B. Statement of Claim (cont.)

after other inmates had used them. Sinks I used were faulty and hot water was unavailable. Toilets backed up on me several times (on their own ^(Of Flooded the floor)), exposing me to human waste and the possible risk of infection.

→ ① Being housed in segregation ~~for~~ was stressful mentally and I suffered because of isolation, constantly being restrained when out of my cell, lack of exercise, limited opportunities to shower in 4D, and the constant illumination.

On July 16, 2014 and July 17, 2014 ^{U.S.} officials shut off my sink for over 24 hours and I had no access to clean water, ^{THIS} forcing me to drink from the toilet. Jail

officials ^② ~~and~~ ~~while~~ ~~several~~ ~~times~~ ~~shut~~ ~~off~~ ~~the~~ ~~sink~~ ~~in~~ ~~my~~ ~~cell~~ ~~because~~ ~~it~~ ~~was~~ ~~flooded~~ ~~because~~ ~~the~~ ~~toilet~~ ~~backed~~ ~~up~~. Toilets

was also inadequate. In April 2015, I found a shard of pottery glass in my nutre loaf meal. Captain Dukert knew that these conditions were making my mental

condition worse as ~~proven~~ by his micro-monitoring of my compliance with medication ~~that~~ ~~revealed~~ ^{also} I reported my distress to officers who I asked to inform Dukert.

Also Dukert had access to information written and observed by his subordinates. The existence of the the poor conditions themselves were obvious.

Count 3: On July 5, 2015, I asked MCSO officer Donzelli if I could be allowed my one hour rec in order to shower and use the telephone. I had not been allowed to exit my cell in over a week. I asked officer

Complaint - 3A.

B. Statement of claim (cont.)

Donzelli why staff had been denying me the one hour recreation time so much lately. Officer Donzelli responded by informing me that I would not get and have ~~the one hour~~ rec (and shower and phone) because I had not been taken my oral psychiatric medications. I informed officer Donzelli that I was not under court order to take medication. Donzelli then stated that Captain Dukert ordered "no movement" for me if I refused medication and Donzelli stated that he would not bring ~~medication~~ ~~medication~~ for my recreation period now or in the future unless I "take [my] meds". Both Captain Dukert and Donzelli violated my 5th and 14th Amendment right to due process and equal protection of the laws, my 1st Amendment right to freedom of expression and association, and the Americans with Disabilities Act by denying me, without due process, basic liberties and giving me an ultimatum to take medications when no court order was in place and isolating me, discrimination of my personality and or illness. I was unable to exhaust grievance procedures on this one issue because I was transferred out of the jail on the very next day.

Any applicable statute of limitations should be tolled due to the plaintiff's prior legal disability. The County of Milwaukee has policies that caused these conditions and the violations of the complaint and so is liable.

Complaint - 3B.

In April 2015 I was tased by
officer J. Smith on the left arm
while locked in my cell because
I had my arm hanging outside
of the trap. Officer Smith did
not radio for a supervisor to
diffuse the situation but instead
tased me this constituted
excessive force as jail officials
are not permitted to use
tasers on inmates who are
locked in their cells.

Defendants One are Adam Brothers
of the Milwaukee County Jail
and they are liable because
of their policy making.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

+ ~~Pendent~~ Jurisdiction
(state law claims)



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is

\$ _____

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

Plaintiff seeks compensatory damages in the amount of thirty thousand dollars (\$30,000⁰⁰) against each defendant, jointly and severally for psychological stress and the physical stress of being confined in the way described in the complaint. Plaintiff also seeks nominal damages of no less than \$1 for every day I spent in custody at MCJ in connection with this cause of action from ^{Dukert} for violations to his constitutional rights. Plaintiff also seeks punitive damages in the amount of \$5000⁰⁰ from Defendant Dukert, and any other relief the court believes is appropriate and just, \$5000⁰⁰ punitive damages from defendant Smith.

E. JURY DEMAND

I want a jury to hear my case.



- YES



- NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 19th day of August 2018.

Respectfully Submitted,

Anthony B

Signature of Plaintiff

631734

Plaintiff's Prisoner ID Number

Anthony IT 631734 • CCI PO Box 900
2925 Columbia Dr, Portage, MS 39001

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE



I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.



I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.